

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

NOV 27 2017

*Clerk, U.S. District Court
District Of Montana
Missoula*

TIMOTHY L. BLIXSETH,

CV 17-97-M-DWM

Plaintiff,

vs.

ORDER

STEPHEN BROWN, an individual;
GARLINGTON, LOHN &
ROBINSON, PLLP, a Montana
professional limited liability
partnership; DOES and ROES 1-100,

Defendants.

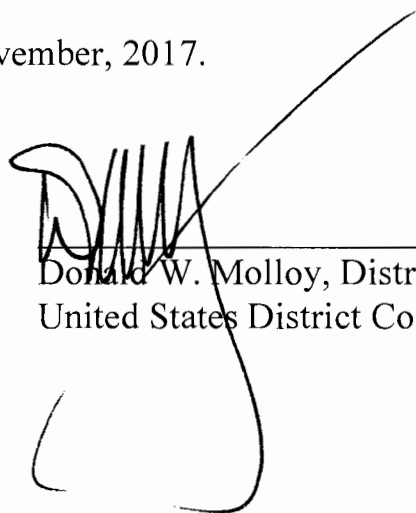
Before the Court is the parties' stipulation regarding the necessity of a responsive pleading in this case. (Doc. 5.) Although Defendants executed a waiver of service on August 14, 2017, that waiver was not filed with the Court until November 22, 2017, (Doc. 4), following the Court's Order that Plaintiff accomplish service or show good cause why service had not been accomplished, (Doc. 3). The parties now stipulate that Defendants are not required to file a responsive pleading "while other issues are being resolved," and that "those other issues should be and will be resolved before the end of the year." The parties cite no authority for the proposition that the Federal Rules of Civil Procedure are

susceptible to amendment by stipulation, and do not address the now-lapsed deadline for Defendants' responsive pleading. *See* Fed. R. Civ. P. 12(a)(1)(A)(ii). The Court will therefore construe the stipulation as a motion for extension of time to file a responsive pleading. Accordingly,

IT IS ORDERED that Defendants have until January 5, 2018, to file an Answer or responsive pleading in this matter.

IT IS FURTHER ORDERED that the parties shall file a status report by December 18, 2017.

DATED this 27th day of November, 2017.



Donald W. Molloy, District Judge
United States District Court